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October 13, 2011

**EX PARTE NOTICE**

VIA ECFS

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554

**Re: Connect America Fund, WC Docket No. 10-90  
A National Broadband Plan for Our Future, GN Docket No. 09-51  
Establishing Just and Reasonable Rates for Local Exchange Carriers,  
WC Docket No. 07-135  
High-Cost Universal Service Support, WC Docket No. 05-337  
Developing a Unified Intercarrier Compensation Regime,  
CC Docket No. 01-92  
Federal-State Joint Board on Universal Service, CC Docket No. 96-45  
Lifeline and Link-Up, WC Docket No. 03-109**

Dear Ms. Dortch:

On October 12, 2011 Jerry James, CEO, and Karen Reidy of COMPTTEL, and Joe Gillan of Gillan Associates, met with Commissioner Clyburn and her legal advisor Angela Kronenberg with regard to the above-referenced proceedings.

In the meeting COMPTTEL stressed the importance of the Commission taking action, *at this time*, to confirm VoIP providers rights to direct IP-to-IP interconnection pursuant to section 251(c) of the Communications Act, as amended, at least with regard to those services provided by facilities-based providers that are transported via managed or specialized IP networks (versus those provided over the public Internet).<sup>1</sup>

We also expressed support for the idea that, if the Commission declines to classify all or some VoIP service at this time, it should at least permit service providers to voluntarily treat (through certification) a facilities-based interconnected VoIP service as a telecommunications service and either telephone exchange service or exchange access. Service providers that voluntarily treat their facilities-based interconnected VoIP in this manner would obtain the right to interconnection under 251(c)(2) and

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<sup>1</sup> In the meeting we noted that Google and others have recognized the difference between “over the top” VoIP and managed VoIP services. See Letter of Donna Lampert to Marlene Dortch, WC Docket No. 10-90 *et al*, p. 2, filed Sept. 28, 2011.

would assume the obligations associated with the provision of a telecommunications service. Such a rule accords with Commission precedent and the Act, and it is necessary to ensure incumbent LECs enter into good faith carrier-to-carrier negotiations for IP interconnection.

We also expressed the competitive industry's need for a longer time period to transition from intrastate rates to interstate rates than is provided for in the ABC Plan and briefly noted the legal fallacies of mandating bill-and-keep under section 251(b)(5), namely that it is a rate not a methodology.

On October 11, 2011, Karen Reidy also had a brief phone conversation with Angela Kronenberg on the same points with regard to IP-to-IP interconnection and the transition period

Please do not hesitate to contact me if you have any questions regarding this submission.

Respectfully submitted,

/s/ Karen Reidy

Karen Reidy

cc (via email): Angela Kronenberg